

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO.: 3:10-CV-551**

MEINEKE CAR CARE CENTERS, INC., )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BRIAN ANDERSON HOLDINGS, INC., )  
and BRIAN ANDERSON, )  
 )  
Defendants. )

**ORDER AND PRELIMINARY  
INJUNCTION**

**THIS CAUSE, COMING TO BE HEARD, AND BEING HEARD** before the undersigned, upon the motion and request of Plaintiff, Meineke Car Care Centers, Inc., for entry of default judgment or order, as the case may be, against Defendants Brian Anderson Holdings, Inc. and Brian Anderson, jointly and severally; and

**IT APPEARING TO THE COURT** that the Verified Complaint was filed and the Summonses were issued in this action on November 3, 2010, which Complaint and Summonses were served on Defendants Brian Anderson Holdings, Inc. and Brian Anderson on November 12, 2010; and

**IT FURTHER APPEARING TO THE COURT** that no answer or other responsive pleading was timely served or filed by Defendants and no extension of time to serve or file such a pleading has been granted and that the time for Defendants to serve or file an answer or otherwise respond to Meineke's Verified Complaint has expired; and

**IT FURTHER APPEARING TO THE COURT** that based on the default of Defendants having been duly entered according to law, and upon the application of Plaintiff in this action, default judgment should be entered against Defendants pursuant to the Prayer for Relief of Meineke's Verified Complaint and its Motion for Default Preliminary Injunction, inasmuch as Plaintiff will

seek final judgment and order on the merits of its action through the related arbitration action that is currently stayed pending this Court's determination regarding preliminary relief.

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED**

that:

1. Defendants do everything required by the telephone company, including signing paperwork and paying any past due amounts owed, to release or transfer to Meineke the telephone number (858) 581-2661 now being used by Defendants' business located at 1625 Garnet Avenue, San Diego, California 92109 that has been advertised in conjunction with Meineke's name, logo and Marks.

2. Defendants cease using and/or remove and/or have removed any names, marks, signs, forms, advertising, telephone number, manuals, computer software, supplies, products, merchandise and all other things and materials of any kind which were obtained through their relationship with Meineke or are identified or associated in the mind of the consuming public with Meineke.

3. Defendants cease or refrain from making any representation or statement that Defendants or the business located at 1625 Garnet Avenue, San Diego, California 92109 is in any way approved, endorsed or licensed by Meineke, or is identified with Meineke in any way.

4. Defendants return to Meineke all signs, forms, manuals, supplies, computer software, products, merchandise and all other things and materials of any kind which are identified or associated in the mind of the consuming public with Meineke.

Signed: January 18, 2011



Richard L. Voorhees  
United States District Judge

